

Message Text

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ACTION IO-13

INFO OCT-01 EUR-12 ISO-00 IOE-00 EB-08 AID-05 SS-15 L-03

COME-00 LAB-04 TRSE-00 SIL-01 AF-08 ARA-06 EA-07

NEA-10 XMB-02 STR-04 CIAE-00 INR-07 NSAE-00 SSO-00

INRE-00 FRB-03 OPIC-03 SP-02 OMB-01 USIE-00 DRC-01

TFCE-00 /116 W

-----171743Z 084946 /41

O R 171606Z MAR 77

FM AMEMBASSY VIENNA

TO SECSTATE WASHDC IMMEDIATE 1090

INFO USMISSION USUN NEW YORK

C O N F I D E N T I A L VIENNA 2101

FOR NORRIS SCHWEBEL AND POOLE

EO 11652: GDS

TAGS: UNIDO, EIND, OCON, PORG

SUBJ: APPARENT G-77 LIMITS OF COMPROMISE AT IGC-V ON CHAPEAU
OF ARTICLE 2

REF: (A) VIENNA 2034; (B) VIENNA 1989

1. REFERENCE IN PARA 6 OF VIENNA 2034 SHOULD READ REFTEL B,
PARA 3 VICE REFTEL A. ALSO STATEMENT IN PARA 6 OF VIENNA
2034 SHOULD BE CORRECTED TO READ QUOTE CHAIRMAN OF G-77 ASSERTED
THAT G-77 CONSIDERS LINK BETWEEN PREAMBLE AND BODY OF CON-
STITUTION TO BENOT REPEAT NOT A LEGAL PROBLEM. UNQUOTE

2. PREVIOUS DISCUSSION ON ISSUE OF LINK WITHIN GROUP B
WAS REPORTED IN VIENNA 1989, PARA 3. IN SUBSEQUENT PRIVATE
EXPLORATION BY US DEL WITH UK DEL LEGAL ADVISER, LATTER
WAS INCLINED, LIKE AUSTRIAN AND FRG DELS, TO VIEW AS A
CONTINUUM THE THREE ALTERNATIVES: (A) NO LINK (PRESENT
STRONG U.S. AND PUBLICALLY STATED TOTAL GROUP B
POSITIONS); (B) A LINK INTRODUCED BY "IN THE SPIRIT OF"
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(PROPOSED WITHIN GROUP B BY AUSTRIA); AND (C) A LINK IN-
TRODUCED BY "IN ACCORDANCE WITH" (GROUP 77 POSITION). AS
REPORTED REFTELS (A) AND (B) US DEL HAS EXCLUSIVELY EMPHA-
SIZED LEGAL NATURE OF LINK ISSUE AND HAS DEPICTED SHARP
BREA IN CONTINUUM BETWEEN NO LINK AND ANY LINK AT ALL,
REGARDLESS OF WORDING.

3. US DEL LEGAL ADVISOR CONSIDERS THAT THE "LINK" QUESTION IS A LEGAL ONE BECAUSE OF THE FACT THAT A LINK WOULD MAKE THE PREAMBLE, AND THE REFERENCES TO DECISIONS US HAS NOT SUBSCRIBED TO, PART OF THE OPERATIONAL CONSTITUTION. WHILE OBVIOUSLY THE IMPACT OF A LINK WOULD DEPEND ON ITS WORDING, WE BELIEVE USDEL HAS BEEN CORRECT IN CONTINUING TO RESIST ANY LINK AT ALL. WE BELIEVE THAT USDEL POSITION SHOULD CONTINUE TO BE THAT A "LINK" WOULD NECESSARILY INTRODUCE INTO THE OPERATIONAL PART OF CONSTITUTION DECISIONS WHICH HAVE LESS THAN UNIVERSAL SUPPORT, AND THAT SUCH ACTION MIGHT IMPEDE THE RATIFICATION PROCESSES FOR SOME STATES. IN THE LIGHT OF SOME BACKSLIDING AMONG THE FAITHFUL OF GROUP B, AND RECOGNIZING THAT THIS ISSUE MIGHT ULTIMATELY BE RESOLVED AT PLENIPOTENTIARY LEVEL, TOGETHER WITH OTHER OUTSTANDING ISSUES. US DEL URGENTLY REQUESTS DEPARTMENT'S COMMENTS AND ADDITIONAL ARGUMENTATION. STIBRAVY

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